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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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RODNEY H. S. KIM,

11   Petitioner,

12   v.   Case No. C09-5365FDB

13   UNITED STATES OF AMERICA,   ORDER TRANSFERRING SECOND
                                                        OR SUCCESSIVE PETITION TO
14   Respondent.   THE NINTH CIRCUIT COURT OF
                                                        APPEALS

15   Petitioner contends that the money laundering counts in his case proscribed no crimes, that

16   the convictions under those counts and the sentence imposed are illegal and void, and that his right

17   to effective assistance of counsel was violated. Petitioner cites primarily *United States v. Santos*,

18   533 U.S. ____, 170 L.Ed.2d 912 (2008). Petitioner contends that he has been serving a sentence on

19   a conviction of charged conduct that was not criminal, and therefore requests that this Court

20   summarily reverse its conviction and punishment on the money-laundering counts and forthwith

21   order petitioner's release.

22   Petitioner has filed numerous petitions before this court including previous claims pursuant to

23   28 U.S.C. §§ 2241 and 2255.   Ninth Circuit Rule 22-3 (a) states:

24   (a)   **Application**. Any petitioner seeking leave to file a second or successive 2254
                   petition or 2255 motion in district court must seek leave under 28 U.S.C. §§
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26   ORDER - 1

1   2244 or 2255. An original and five copies of the application must be filed
     with the Clerk of the Court of Appeals. No filing fee is required. If a second
2   or successive petition or motion, or application for leave to file such a petition
     or motion, is mistakenly submitted to the district court, **the district court**
3   **shall refer it to the court of appeals.**

4   (Emphasis added). Because Petitioner is challenging the money laundering conviction itself, his

5   petition is properly characterized as one pursuant to section 2255. His petition is successive.

6   ACCORDINGLY, IT IS ORDERED: The Petition [Dkt. # 1] is TRANSFERRED to the

7   Ninth Circuit as a second or successive petition.

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9   DATED this 29th day of June, 2009.

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12   FRANKLIN D. BURGESS
     UNITED STATES DISTRICT JUDGE

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26   ORDER - 2